

### **REMARKS/ARGUMENTS**

Prior to submission of this amendment, claims 31, 35-47, 51-52 and 56-60 were pending. Claims 31, 36-38, 40-47, 51-52, 56, 57, 59 and 60 are amended and claim 61 has been added. Claims 39 and 58 have been canceled. Support for the amendment of claims 31, 36-38, 40-47, 51-52, 56, 57, 59 and 60 is found throughout the specification at, for example, paragraph 98 and in original claims 31 and 60. Support for claim 61 is found in original claim 31. Applicants expressly reserve the right to pursue any canceled matter in subsequent continuation, divisional or continuation-in-part applications.

#### **Election/Restriction**

Applicants were requested to elect, for examination purposes, the invention of one of the following IV groups:

- I. Claims 31, 35-39, 51, 56-57 and 60;
- II. Claims 40;
- III. Claims 41-47 and 58-59;
- IV. Claims 52.

Applicants elect, with traverse, the claims of Group I (Claim 31, 35-39, 51, 56-57 and 60). Applicants have amended claims 41-47 and claim 59 to depend from claim s 31 or 35.

It is submitted that the claims of the inventions of Groups I, II, III and IV should be examined in the present application. Applicants submit that the search required to examine such inventions would be grossly co-extensive, and would not place an undue burden on the Examiner. Accordingly, efficiency and expeditious handling of patent applications require that the claims of Groups I-IV be reunited

In addition, the Examiner noted that if Applicant elects Invention I, then there is a further restriction requirement with respect to the additional genes listed in Claim 60. In reply, Applicants traverse this requirement. Claim 60 is dependent on Claim 31. Accordingly, if claim 31 is patentable, claim 60 must be patentable. **Election of a gene from Claim 60 should not be required.** Withdrawal of this restriction requirement is respectfully requested.

However, in order to provide a complete response, Applicants elect CD44v6.

Please direct any calls in connection with this application to the undersigned at the number provided below.

Please charge any additional fees, including additional fees for extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39740-0005A.

Respectfully submitted,

Date: May 23, 2006

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